

Randolph, Saufley, Selman, Shannon, Stell, Truitt, Voigt and Yarbrow—20.

Senator Nelson moved to recommit the bill with amendments, which motion prevailed by the following vote:

YEAS—Senators Bumpass, Burney, Cook, Coppedge, Foscue, Guinn, Jowers, Littleton, McDade Nelson, Neyland, Truitt, Voigt and Yarbrow—14.

NAYS—Senators Braswell, Boyd, Brown, Cooley, Dalrymple, Saufley, Selman, Shannon and Stell—9.

Senator Stell, Chairman of Committee on State Affairs, reported back and recommended the passage of a House bill to prescribe the time of the biennial meeting of the Legislature.

Upon motion of Senator McDade, the Senate adjourned until to-morrow morning 9 o'clock.

SENATE CHAMBER,
Oct. 18, 1866.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Braswell made the following report:

Hon. G. W. Jones, President of the Senate:

The Committee on Internal Improvements, to whom was referred a House bill to be entitled "An act to incorporate the El Paso Irrigation and Manufacturing Company," having considered the same, instruct me to report it back with the following amendments, and recommend their adoption and the passage of the bill:

Add the names of Samuel A. Maverick, George Hancock, Hugh Stephenson, and H. S. Gillett as corporators, and strike out "presidio" wherever it occurs in the bill, and insert "El Paso" in lieu thereof."

Add to section 9th, "and further provided, that nothing herein granted shall be so construed as to interfere with the rights of any person or company that has heretofore been engaged in irrigating the locality embraced in this charter."

Strike out in the third line of the 10th section the word "half," and insert in lieu thereof the word "fourth."

S. N. BRASWELL, Chairman.

Senator Foscue made the following report:

To the President of the Senate:

The Committee on Internal Improvements, to whom was re-

ferred a House bill to create a body corporate and politic by the name of the "Galveston Chamber of Commerce," have had it under consideration, and have instructed me to report the same back to the Senate without amendment, and recommend its passage.

F. F. FOSCUE, one of the Committee.

Senator Guinn introduced a bill to amend sections 47, 49, 50 and 51 of an act to regulate proceedings in the County Court pertaining to the estates of deceased persons, approved March 10, 1848.

Read first time, and referred to Judiciary Committee.

Senator Coppedge introduced a bill to amend the 12th, 15th and 27th sections of an act regulating roads, approved February 8th, 1858.

Read first time, and referred to Committee on Roads, Bridges and Ferries.

Senator Guinn introduced a bill to amend the 1st section of an act entitled "An act authorizing the State Treasurer to employ an extra clerk for the term of six months."

Read first time, and referred to Committee on Finance.

Senator Guinn introduced a bill to amend Articles 757 and 766 of an act to adopt and establish a Penal Code for the State of Texas.

Read first time, and referred to Judiciary Committee.

ORDERS OF THE DAY.

Report of Committee on State Affairs relative to citizens of Harris county, was taken up and adopted.

Bill to incorporate the Colorado Cotton and Woolen Manufacturing Company, with report of Committee on Commerce and Manufactures, recommending a substitute, was taken up.

Substitute adopted, read second time, and ordered to be engrossed.

Upon motion of Senator Guinn, rule suspended, bill read 2d time, and passed by the following two-third vote:

YEA—Senators Braswell, Blount, Boyd, Brown, Burney, Cook, Cooley, Coppedge, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Reed, Selman, Shannon, Stell, Truitt, Voigt and Yarbrow—24.

NAYS—None.

On motion of Senator Guinn, Senators Brown, Selman and Parker were excused until 12 o'clock to-day.

Senate bill for the relief of S. B. Reed.

Read second time, and ordered to be engrossed.

On motion of Senator Shelley, rule suspended, bill read third time, and passed by the following vote:

YEAS—Senators Boyd, Cook, Cooley, Foscue, Littleton, McDade, Neyland, Shannon, Shelley, Stell, Voigt and Yarbrow—12.

NAYS—Senators Braswell, Blount, Bumpass, Burney, Coppedge, Guinn, Jowers, Neyland, Reed, Saufley and Truitt—11.

Bill to authorize the County Court of Marion county to appropriate a portion of the jury fund of said county for the purpose of building a jail for said county, was taken up, read second time, and ordered to be engrossed.

Rule suspended, bill read third time, and passed.

Bill to regulate the payment of fees and salaries of civil officers, clerks and employées, with adverse report of Finance Committee, taken up, and

Upon motion of Senator Guinn, was laid on the table for the present.

Joint resolution, originating in the House, inviting labor and capital into the State, taken up, read second time, and passed to its third reading.

Rule suspended, read third time, and passed.

House bill, to discharge firemen from serving on juries, with report of Committee on State Affairs, recommending certain amendments, taken up, and amendments made; as amended, read second time, and passed to its third reading.

Upon motion of Senator McDade, rule suspended, bill read third time, and passed.

Bill to consolidate the counties of Cameron and Hidalgo into one land district, was taken up, and

On motion of Senator Guinn, laid on the table for the present.

House bill, authorizing the building of an iron bridge over the Brazos river, read second time, and passed to a third reading.

Rule suspended, bill read third time, and passed by the following two-third vote:

YEAS—Senators Braswell, Blount, Boyd, Burney, Cook, Cooley, Coppedge, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Randolph, Record, Reed, Saufley, Shelley, Stell, Truitt, Voigt and Yarbrow—22.

NAYS—Senators Bumpass and Foscue—2.

House bill, creating the office of State Librarian, read second time.

Senator Guinn moved to amend as follows: "He shall also have charge of the public buildings and grounds, for their protection and preservation of the public property, and it shall be his duty to preserve the same from waste and destruction, and

the walls of the buildings from being defaced. In section 2, strike out \$1000 00, and insert \$5000 00, where it relates to the amount of bond."

Adopted.

Rule suspended, bill read third time, and passed.

Senate bill to incorporate the Bellview Academy, in the county of Rusk, and for other purposes.

Read first time, and on motion of Senator Foscoe the bill was laid on the table for the present.

House bill to incorporate the Galveston Socialian Turnverein.

Read second time and passed to a third reading.

Rule suspended, bill read third time and passed by the following two-thirds vote:

YEAS—Senators Braswell, Boyd, Burney, Cooley, Foscoe, Jowers, Littleton, McDade, Nelson, Neyland, Randolph, Record, Reed, Saufley, Stell, Truitt, Voigt and Yarbrow—18.

NAYS—Senators Blount, Cook, Coppedge and Guinn—4.

House bill to provide for the release of children and other persons, citizens of the State of Texas, which are now, have been, or may hereafter be held as prisoners of war by the Indians.

Read second time, amendments offered by the committee adopted, and bill passed to a third reading.

Rule suspended, bill read third time and passed.

Senator Record made the following report:

Hon. G. W. Jones, President of the Senate:

In obedience to the request of the Senate, of this date, I herewith report back the House bill entitled "An Act to incorporate the Brazos Santiago and Brownsville Railroad Company."

J. K. P. RECORD,

Chairman of Judiciary Committee.

House bill to incorporate the Land, Labor and Immigration Company, on its third reading.

Read third time and passed by the following two-thirds vote:

YEAS—Senators Braswell, Blount, Burney, Cook, Cooley, Coppedge, Foscoe, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Randolph, Record, Reed, Shannon, Shelley, Stell, Truitt, Voigt and Yarbrow—22.

NAYS—None.

Senator Braswell asked leave to withdraw a report made this morning by him from Committee on Internal Improvements.

Granted.

Senate bill for the relief of Dr. P. D. Turner, with report of committee, adopted, and on motion of Senator Shannon, bill laid on the table.

House bill for the appointment of Judges in certain cases.

Read second time.

Senator Neyland offered the following amendment :

In fifth line, after the word "criminal" insert "not capital."

Senator Stell offered the following substitute for amendment :

"Provided that no Judge shall be appointed under the provisions of this bill for the trial of any criminal case.

Adopted by the following two-thirds vote :

YEAS—Senators Braswell, Blount, Boyd, Bumpass, Cook, Cooley, Coppedge, Dalrymple, Jowers, Knox, Littleton, Randolph, Record, Reed, Saufley, Shannon, Shelley, Stell and Yarbrow—19.

NAYS—Senators Foscue, Guinn, McDade, Neyland, Truitt and Voigt—6.

Bill passed to a third reading.

Message received from the Governor.

House bill to provide for including the value of stamps in the taxation of costs.

Read second time and passed to a third reading.

House bill to legalize the election of the Judge and District Attorney of the 12th Judicial District.

Read second time and passed to a third reading, rule suspended, bill read third time and passed.

A message was received from the House, announcing the passage of the following bills :

A bill to be entitled, "An Act for the relief of the widow and children of Thomas Steen, Jr., deceased, late of Smith county, State of Texas."

A bill to be entitled "An Act to repeal an act to suspend the location, survey and sale of the public lands, except in certain cases, approved December 14th, 1863."

A bill to be entitled "An Act to prohibit the sale of spirituous liquors within four miles of Bosque College."

A bill to be entitled "An Act to incorporate the San Antonio Oil, Coal, Mining and Manufacturing Company."

House bill providing for the custody and authentication of the records of the Confederate Courts.

House bill to incorporate the Sulphur Bridge and Turnpike Company.

House bill supplementary to an act entitled an act to incorporate the Burnet Iron Company.

House bill to incorporate the Sister Grove Male and Female High School.

House bill to incorporate San Augustine Petroleum Company.

Report of Judiciary Committee, asking that House bill to render valid certain forms in suits and proceedings in the courts of this State, do not pass, was taken up and adopted.

House bill authorizing the Court of Police to district the counties of the State into commissioners' districts, was taken up, report of committee adopted.

Bill read second time and passed to a third reading; rule suspended, bill read third time and passed.

On motion of Senator Saufley, the Governor's message was taken up and read.

EXECUTIVE OFFICE, }
Austin, Texas, Oct. 18, 1866. }

Gentlemen of the Senate and House of Representatives:

In my first communication to your honorable body, I stated that no report had been made by the former financial agent, Col. S. B. Hendricks, since February 28th, 1865. Col. Hendricks is now on a visit to the Capital with a view to place this matter fully before the authorities, and has called my attention to the fact that he made a report to the commissioners appointed by Gov. Hamilton to examine into the different departments of the State Government. This report, I presume, was unknown to the Provisional Comptroller, as he states that no report had been received from the former financial agent since the date mentioned in my message.

Herewith I transmit, for your information, a communication from Colonel Hendricks, with a copy of an order from General Granger, endorsed by Governor Hamilton, to Colonel Caruthers; also copy of receipt from Colonel Caruthers to Colonel Hendricks for the property of the institution turned over by him. The papers and vouchers referred to by Colonel Hendricks as sent to the board of investigation, have been placed in the hands of the Comptroller for adjustment, in order that that officer may be enabled to ascertain precisely the condition of affairs of the Penitentiary at the date of that report.

Colonel Caruthers, in his receipt to Colonel Hendricks, says: "By virtue of the authority referred to, I have this day made settlement with him of all matters connected with said office, and find his stock and general accounts correct. The amount of stock called for is on hand, and his invoiced accounts correct and approved."

I have deemed it due to Colonel Hendricks to submit this statement, with the accompanying papers, and would add, that he has manifested a desire to have his official relations with the

State fully understood. He states, that, while he claims that he has fairly and legally settled with the State, and will rely upon that settlement as exonerating him from legal responsibility, yet, if at any time it can be shown that he has, in any way, wronged the State, he will promptly correct it, though he feels assured no such fact exists.

It will be observed, by reference to the papers inclosed herewith, that Colonel Caruthers, on the day following the settlement above mentioned, turned over the books, papers, &c., of the office of the financial agent to Col. G. W. Sinks, who adopted the settlement referred to. I have expected a report from that officer, covering the operations of his office during his term as Provisional Financial Agent, but as yet, none has been received.

I have learned that your honorable body is now considering a measure, which has for its object the appointment of a suitable person, whose duty it will be to examine and report upon the financial condition of the Penitentiary, and examine into and adjust the accounts of that institution.

This measure should be acted upon at once, as it is due to the former officers that the examination of their accounts should be had with as little delay as possible.

J. W. THROCKMORTON.

On motion of Senator Saufley, the message and papers were referred to a joint committee, consisting of three on the part of the Senate.

The Chair announced Senators Saufley, Randolph and Cook as a committee on part of the Senate.

House bill to provide for and regulate the collection of fees of office of all officers entitled to fees under the laws of Texas, read second time, and report of Committee adopted, recommending its rejection.

House bill to amend "An act to dispense with use of scrolls and seals," read second time.

Amendments offered by the Committee adopted.

On motion of Senator Guinn, the further consideration of the bill was indefinitely postponed.

House bill to incorporate the Brazos Internal Improvement and Navigation Company, read second time, and passed to a third reading; rule suspended, bill read third time, and passed by the following two-third vote:

YEAS—Senators Braswell, Blount, Brown, Bumpass, Burney, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Littleton, Mc-

Dade, Nelson, Neyland, Randolph, Record, Reed, Saufley, Selman, Shannon, Shelley, Stell, Truitt, Voigt and Yarbrow—25.

NAYS—None.

On motion of Senator Record, a bill to be entitled "An act supplemental to an act confirming titles to the colonists of Peters' Colony, approved February 8, 1854," was taken up out of order, and bill read second time.

Senator Guinn moved to recommit to a select committee of five, and that Senator Record be appointed chairman.

Adopted.

The Chair announced the Committee to be composed of Senators Record, Jowers, Shannon, Guinn and Neyland.

Senator Burney made the following report :

COMMITTEE ROOM, }
October, 18, 1866. }

Hon. G. W. Jones, President of the Senate :

The Committee on Enrolled Bills have examined the following bills to-wit :

"An act to incorporate the Tyler Manufacturing Company ;" also "An act supplementary to, and amendatory of an act to incorporate the Brazos Bridge Company, approved September 26th, 1866," and find the same correctly enrolled and properly signed, and have presented the same to the Governor for his approval.

GEO. E. BURNEY, one of Committee.

COMMITTEE ROOM, }
Austin, Oct. 18, 1866. }

Hon. G. W. Jones, President of the Senate :

The Committee on Enrolled Bills have examined the following, to-wit :

"An act to incorporate the Jefferson Manufacturing Company ;" "An act to incorporate the Yegua Bridge Company ;" also "An act granting a charter to James Farris and P. H. Mull to build a toll bridge across east fork of Trinity river at, or near where the stage road crosses said stream, leading from McKinney, in Collin county, to Bonham, in Fannin county, Texas," and find the same correctly enrolled and properly signed, and have presented the same to the Governor for his approval.

GEO. E. BURNEY, one of Committee.

On motion of Senator Dalrymple, the Senate adjourned until 9 o'clock to-morrow morning.